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U.S. PTO
09/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------|---|----------|-------------------|------------|
| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION | |
| | CLASS | SUBCLASS | EXAMINER | ART UNIT |
| 11998.1US12 | | | New Filing | New Filing |

CERTIFICATE UNDER 37 CFR 1.10:
 "Express Mail" mailing label number: EV 347838501 US
 Date of Deposit: September 26, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Cont. Appl., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson
 Name: Teresa Anderson

22387 U.S. PTO
10/672226
09/26/03

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

M&G Code No. 23552

Mail Stop Cont. Appl.
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 10/367,346, filed on February 13, 2003 entitled Cardiac Reinforcement Device by the following inventor(s):

| | | | |
|-------------------------|---------------------|--------------------------|--------------------------|
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| | Alfness | Clifton | A. |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| | Redmond | Washington | USA |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |
| | 2022 235th Place NE | Redmond | Washington 98053/USA |

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 17 pages of specification, 27 claims, 1 page of abstract, 4 sheets of drawings, and 3 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

| NUMBER FILED | NUMBER EXTRA | | RATE | FEE |
|----------------------------|--------------|---|-------------------|----------|
| TOTAL CLAIMS: 21 -20 | 0 | x | \$9.00 | 9.00 |
| INDEPENDENT CLAIMS 2 -3 | 0 | x | \$42.00 | 0.00 |
| | | | BASIC FILING FEE: | \$375.00 |
| | | | TOTAL FILING FEE: | 384.00 |
| | | | | |

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
☒ Attached is a check in the amount of 384.00
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☐ Amend the specification by inserting before the first line the sentence:

"This application is a continuation of application Serial No. 10/367,346, filed February 13, 2003, which application(s) are incorporated herein by reference."
7. ☐ A set of formal drawings (sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Acorn Cardiovascular, Inc. located at 601 Campus Drive, St. Paul, Minnesota 55112.
10. ☒ The Power of Attorney in the prior application is to:


Merchant & Gould P.C.
Minneapolis, MN 55402-2215
11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
☒ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Information Disclosure Statement; Form 1449; Terminal Disclaimer To Obviate A Double Patenting Rejection; Certificate Under 37 CFR 3.73(b); and Fee for filing Terminal Disclaimer
16. ☒ Address all future communications to the **Attention of Julie R. Daulton** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Date: 9-26-03


Julie R. Daulton
Reg. No. 36,414
JRD:S Trent